

UNITED STATES DISTRICT COURT

DISTRICT OF SOUTH DAKOTA

CENTRAL DIVISION

FILED

NOV 05 2009

  
CLERK

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UNITED STATES OF AMERICA,

\* CR. 09-30019-KES

Plaintiff,

-vs-

THOMAS BRYAN SCARES  
THE HAWK,

Defendant.

\* REPORT AND RECOMMENDATION  
\* FOR DISPOSITION OF DEFENDANT'S  
\* MOTION TO SUPPRESS STATEMENTS

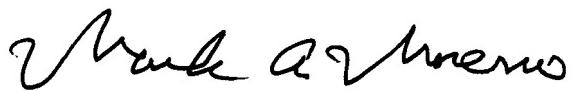
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Defendant, Thomas Bryan Scares the Hawk has filed a Motion to Suppress Statements, Docket No. 21. Because Defendant's Motion is a dispositive one, this Court is only authorized to determine the same on a report and recommendation basis. See 28 U.S.C. §636(b)(1). Based on the findings, authorities and legal discussion made on the record at the November 5, 2009 hearing, the Court hereby

RECOMMENDS that Defendant's Motion be granted in part and denied in part. The Motion should be granted insofar as it seeks to suppress the fact that Defendant took a polygraph examination and either failed or was deceptive in his responses in connection with the same. In all other respects, Defendant's Motion should be denied.

Dated this 5th day of November, 2009, at Pierre, South Dakota.

**BY THE COURT:**



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**MARK A. MORENO**  
**UNITED STATES MAGISTRATE JUDGE**

**ATTEST:**

**JOSEPH HAAS, CLERK**  
BY: Sarah Gubens

Deputy

(SEAL)

**NOTICE**

Failure to file written objections to the within and foregoing Report and Recommendations for Disposition within ten (10) days from the date of service shall bar an aggrieved party from attacking such Report and Recommendations before the assigned United States District Judge. See 28 U.S.C. § 636(b)(1).